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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/016,905 | 12/14/2001 | Michael Von der Geest | 3107-237 | 9583 |

7590

11/15/2005

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EXAMINER

HARRIS, CHANDA L

ART UNIT

PAPER NUMBER

3715

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,905

Applicant(s)

VON DER GEEST ET AL

Examiner

Chanda L. Harris

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 36-38 and 53-55 is/are rejected.
- 7) ☒ Claim(s) 4-35, 39-52 and 56-75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

In response to the Amendment filed 2/2/05, Claims 1-75 are pending.

Declaration under 37 CFR 1.131

The declaration filed on 2/2/05 under 37 CFR 1.131 is sufficient to overcome the Orton reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 36-38, and 53-55 are rejected under 35 U.S.C. 102(e) as being anticipated by D'Alessandro (US 6,556,974).

1. [Claims 1,36,53]: Regarding Claims 1,36, and 53, D'Alessandro discloses receiving with a computer processor unit evaluation data for said environment (i.e., various aspects of the business entity's operations) received from at least one individual (e.g., employee) participating in said environment, said evaluation data representing

impressions of said individual regarding said environment. See Abstract and Col.2: 56-64. The recorded responses are considered to represent impressions of said individual regarding said environment. D'Alessandro discloses providing model data (i.e., business performance models) to an individual (i.e., business entity) that is responsible at least in part for said environment. See Col.3: 28-32, 64-67. D'Alessandro discloses receiving with a computer processor unit a selection of at least one or more dimensions (i.e., one or more business performance models) of said environment received from said individual responsible for said environment. See Col.3: 28-31. D'Alessandro discloses providing said individual responsible for said environment an action plan (i.e., written digest of an organization's strengths and opportunities for improvement). See Col.9: 37-39.

2. [Claims 2,37,54]: Regarding Claims 2,37, and 54, D'Alessandro discloses the step of receiving evaluation data for said environment from said individual that is responsible at least in part for said environment (i.e., employee), said evaluation data representing an impression of said individual regarding said environment. See Abstract.

3. [Claims 3,38,55]: Regarding Claims 3,38, and 55, D'Alessandro's invention is capable of having wherein said environment is a classroom teaching environment (i.e., other organization), said at least one individual participating in said environment includes a first plurality of students, and said individual responsible for said environment is a classroom teacher. See Abstract.

Allowable Subject Matter

Claims 4-35, 39-52, and 56-75 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sander et al. (US 2001/0031451)
 - monitoring the educational state of an organization
- Hagebarth (US 6,790,044)
 - monitoring of a progress plan for a training course by a computer
- Ferrell (US 6,285,993)
 - modeling individual learning styles

Response to Arguments

Applicant's arguments have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of D'Alessandro. See rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chanda L. Harris
Chanda L. Harris
Primary Examiner
Art Unit 3715